

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JAMES J. NIZZO and VIRGINIA C. NIZZO, As
Joint Tenants, and CARLO CILIBERTI, On Behalf
Of Themselves And All Others Similarly Situated,

Plaintiffs,

v.

BIOPURE CORPORATION, THOMAS A. MOORE,
CARL W. RAUSCH and RONALD F. RICHARDS,

Defendants.

CASE NO. 04-10065-NG

**ASSENTED-TO MOTION TO EXTEND TIME TO
ANSWER, MOVE OR OTHERWISE RESPOND TO
PLAINTIFFS' CLASS ACTION COMPLAINT**

Defendants Biopure Corporation, Thomas A. Moore, Carl W. Rausch and Ronald F. Richards hereby move for an Order extending the time to answer, move or otherwise respond to Plaintiffs' Class Action Complaint.

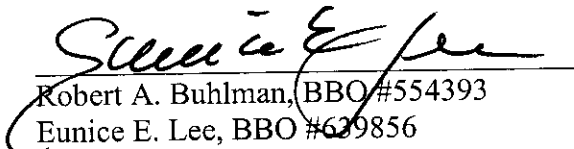
In support of their motion, Defendants state as follows:

1. Counsel for Plaintiffs have assented to the extension of the deadline provided by the Fed. R. Civ. P. for response to the Class Action Complaint to and including March 15, 2004.
2. In the meantime, the parties intend to discuss further scheduling issues concerning the motion for appointment of lead plaintiff and the filing of an amended consolidated class action complaint.

WHEREFORE, Defendants respectfully request that the Court enter an Order extending the time for Defendants to answer, move or otherwise respond to Plaintiff's Class Action Complaint up to and including March 15, 2004.

**BIOPURE CORPORATION, THOMAS A.
MOORE, CARL W. RAUSCH AND RONALD
F. RICHARDS**

By their attorneys,


Robert A. Buhlman, BBO #554393
Eunice E. Lee, BBO #639856
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Dated: February 5, 2004.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each party by regular mail on February 5, 2004.


Eunice E. Lee